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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 RICHARD SULLIVAN,

14 Plaintiff,

15 -v-

16 SMURFIT-STONE CONTAINER
17 CORPORATION; PEPSICO, INC.; FRITO-
18 LAY NORTH AMERICA, INC.; FRITO-
19 LAY, INC.; and DOES 1-20, inclusive,

20 Defendants.

No. C 10-01233 JF

STIPULATION TO CONTINUE
CASE MANAGEMENT
CONFERENCE; ORDER

21 This case was initially assigned to Magistrate Judge Patricia V. Trumbull, and a Case
22 Management Conference was scheduled for June 22, 2010. The case was reassigned to Judge Jeremy
23 Fogel, and the Case Management Conference was rescheduled to June 25, 2010, due to the
24 reassignment. The Order Setting Initial Case Management Conference and ADR Deadlines also set
25 June 15, 2010, as the last day to file the Rule 26(f) Report, complete initial disclosures, and file the
26 Case Management Statement. The June 15 deadline for these matters was not changed when the case
27 was reassigned to Judge Fogel.

28 The parties hereto, by and through their attorneys, hereby stipulate that the date of the Case
Management Conference in the above-entitled case shall be continued from June 25, 2010, to July
30, 2010, at 10:30 a.m. in Courtroom #3 on the 5th floor of the U.S. Courthouse, 280 South First

1 Street, San Jose, California. The Order Setting Initial Case Management Conference and ADR
 2 Deadlines states at the end: "If the Initial Case Management Conference is continued, the other
 3 deadlines are continued accordingly." Therefore, the last day to file the Rule 26(f) Report, complete
 4 initial disclosures, and file the Case Management Statement is continued from June 15, 2010, to July
 5 20, 2010.

6 The reason for this continuance is as follows. The parties are going to private mediation with
 7 mediator Barry Winograd on June 21, 2010. The continuance from June 25 to July 30 of the Case
 8 Management Conference and from June 15 to July 20 of the deadline for the Rule 26(f) report, the
 9 initial disclosures, and the Case Management Statement will allow the parties to avoid attorneys'
 10 fees and time in regard to these matters if they are able to settle at the June 21 mediation.

11 DATED: June 11, 2010

HIGHMAN, HIGHMAN & BALL
 A PROFESSIONAL LAW ASSOCIATION

12
 13
 14 By Bruce J. Highman
 15 Bruce J. Highman
 Attorneys for Plaintiff

16 DATED: June 11, 2010

CONSTANGY BROOKS & SMITH, LLP

17
 18 By Laura S. Withrow
 19 Laura S. Withrow
 Oscar E. Rivas
 Attorneys for Defendant Smurfit-Stone
 Container Corporation

21 DATED: June 11, 2010

Villarreal Hutner PC

22
 23 By Lara Villarreal Hutner
 24 Lara Villarreal Hutner
 25 Jessica N. Leal
 Attorneys for Defendants PepsiCo, Inc.,
 26 Frito-Lay North America, Inc., and
 27 Frito-Lay, Inc.
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ORDER

So ordered.

DATED: June 15, 2010

Honorable Jeremy T. ...
U.S. District Court Judge